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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

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14 UNITED STATES OF AMERICA,) CR. NO. S-99-0295 JAM
15 v.)
16 Plaintiff,) GOVERNMENT'S MOTION TO DISMISS
17) INDICTMENT AS TO DEFENDANTS
18) ROGELIO MONTOYA AND JOSE JAIME
19) ANDRADE; ORDER
20)
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ROGELIO MONTOYA, aka)
Chicalito, and)
JOSE JAIME ANDRADE, aka)
Coronel,)
Defendants.)

)

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States hereby moves to dismiss all the charges contained in the indictments in this case as to defendants Rogelio Montoya and Jose Jaime Andrade. Both defendants (Mexican nationals) have been fugitives since charges were filed in this case and are believed to be living in Mexico. The eleven defendant case is now over ten years old. The case was completed as to all the remaining defendants (seven convicted, two dismissed) as of the end of 2000. At this point the investigative agency (DEA) wishes to close the case (e.g.,

1 destroy the stored evidence and terminate any efforts to locate
2 the fugitives). The U.S. Attorney's Office concurs. Therefore,
3 it is respectfully submitted that the present motion be granted.

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5 Dated: December 8, 2011

6 BENJAMIN B. WAGNER
7 United States Attorney

8 By: /s/ Richard J. Bender
9 RICHARD J. BENDER
Assistant U.S. Attorney

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)
11) CR. NO. S-99-0295 JAM
12 Plaintiff,) ORDER GRANTING MOTION TO DISMISS
13 v.) INDICTMENT AS TO DEFENDANTS
14 ROGELIO MONTOYA, aka) ROGELIO MONTOYA AND JOSE JAIME
15 Chicalito, and) ANDRADE
16 JOSE JAIME ANDRADE, aka)
Coronel,)
Defendants.)

Upon consideration of the government's motion pursuant to Rule 48(a), F.R.Crim.P., to dismiss all charges contained in the indictments in this case against defendants-fugitives Rogelio Montoya and Jose Jaime Andrade, good cause having been shown, it is hereby ORDERED that the charges against these two defendants are dismissed and any arrest warrants based upon those charges are hereby recalled.

Dated: December 12, 2011

/s/ John A. Mendez
JOHN A. MENDEZ
U.S. District Judge